

Exhibit A

Williams, Angela (USAMSS)

From: Brittain, Harold (USAMSS) [HBrittain@usa.doj.gov]
Sent: Thursday, September 09, 2010 11:18 AM
To: Brittain, Harold (USAMSS); cjohnson@prjlawyers.com; lross@lmrossatlaw.com; wmc Daniels@wc.com; rbm@mcdufflaw.com; edblackmon@blackmonlawfirm.com; tabergstrom@verizon.net
Cc: Barbour_chambers@mssd.uscourts.gov; Burkhalter, Don (USAMSS); Williams, Angela (USAMSS)
Subject: RE: US v Case
Attachments: MOA Motion to Lift Stay.pdf; Motion to Lift Stay.pdf; letterliftstay.pdf

A request has been made to produce the documents in pdf. Here they are: Harold Brittain

<<MOA Motion to Lift Stay.pdf>> <<Motion to Lift Stay.pdf>> <<letterliftstay.pdf>>

From: Brittain, Harold (USAMSS)
Sent: Thursday, September 09, 2010 10:58 AM
To: cjohnson@prjlawyers.com; lross@lmrossatlaw.com; wmmcdaniels@wc.com; rbm@mcdufflaw.com; edblackmon@blackmonlawfirm.com; tabergstrom@verizon.net
Cc: Barbour_chambers@mssd.uscourts.gov; Burkhalter, Don (USAMSS); Williams, Angela (USAMSS)
Subject: US v Case

Dear Counsel,

There was a problem with delivery of the first message to some of you and I am therefore sending again.

Enclosed please find a letter, a proposed Motion and Memorandum of Authorities to have the stay lifted in US v. Case. Thanks Harold Brittain

<< File: letterliftstay.wpd >> << File: Motion to Lift Stay.wpd >> << File: MOA Motion to Lift Stay.wpd >>

U.S. Department of Justice



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Southern District of Mississippi
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September 9, 2010

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Re: *United States v. Rodney Case, et al.*
Criminal Nos. 3:06cr210WHB-JCS; 3:09cr6WHB-FKB

Dear Counsel:

I have attached a Motion to Lift the Stay and a Memorandum of Authorities in Support of Motion to Lift the Stay that was previously entered in the above referenced case.

The Motion and Memorandum of Authorities are self explanatory and I expect to file them on September 17, 2010. If you would like to discuss prior to filing please give me a call.

Yours very truly,

DONALD R. BURKHALTER
United States Attorney

BY: s/Harold Brittain
HAROLD H. BRITTAIN
Assistant U.S. Attorney

cc: Honorable William H. Barbour

HHB/jm
Enclosure

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:06-cr-210-WHB-FKB

RODNEY CASE, KEVIN CLARK,
MIKE FULTON, DOUGLAS MURPHY,
AND JAMES WARD

Consolidated for Trial with

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:09-cr-6-WHB-FKB

RODNEY CASE, KEVIN CLARK,
MIKE FULTON, DOUGLAS MURPHY,
AND JAMES WARD

MOTION TO LIFT STAY AND FOR TRIAL SETTING

COMES NOW, the United States of America, by and through the United States Attorney for the Southern District of Mississippi, and the undersigned Assistant United States Attorney, and files this Motion to Lift the Stay of this matter. On September 10, 2009, the Court entered an Order continuing the trial of this matter until the conclusion of the trial of *Eaton Corp., et al., v. Frisby, et al.*, Civil Action No. 251-04-642 CIV. It has now been nearly a year since the stay was imposed, and there appears to have been little progress towards a trial or other conclusion in the *Eaton Corp.* case. Indeed, even if the *Eaton Corp.* case was resolved in the near future, there would still be the matter of appeals. For this reason and the reasons provided in the accompanying Memorandum, the United States respectfully moves this Court for an order lifting the stay of this matter.

Respectfully Submitted,

DONALD R. BURKHALTER
Acting United States Attorney

By: /s/ Angela Givens Williams
ANGELA GIVENS WILLIAMS
Assistant United States Attorney
One Jackson Place
188 East Capitol Street, Suite 500
Jackson, MS 39201
(601) 973-2822
MS Bar No. 102469

CERTIFICATE OF SERVICE

I, Angela Givens Williams, hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Angela Givens Williams
ANGELA GIVENS WILLIAMS
Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:06-cr-210-WHB-FKB

RODNEY CASE, KEVIN CLARK,
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Consolidated for Trial with

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v.

CRIMINAL NO. 3:09-cr-6-WHB-FKB

RODNEY CASE, KEVIN CLARK,
MIKE FULTON, DOUGLAS MURPHY,
AND JAMES WARD

**MEMORANDUM IN SUPPORT OF MOTION TO LIFT STAY AND FOR TRIAL
SETTING**

In August 2009, the parties agreed to continue this case until the conclusion of the state court civil matter pending caption as *Eaton Corp., et al., v. Frisby, et al.*, Civil Action No. 251-04-642 CIV. When the United States agreed to this continuance and stay, it incorrectly assumed that the state court matter was going to be resolved in a more expeditious fashion. Regrettably, that does not appear to be the case. A continued stay in this matter for an infinite period of time would only serve to unnecessarily delay the trial of this matter. It will also prejudice the government and the public in their right to have a speedy resolution of this matter.

The United States therefore respectfully requests that the Court grant its Motion and enter an order lifting the stay of this matter.

Respectfully Submitted,

DONALD R. BURKHALTER
Acting United States Attorney

By: /s/ Angela Givens Williams
ANGELA GIVENS WILLIAMS
Assistant United States Attorney
One Jackson Place
188 East Capitol Street, Suite 500
Jackson, MS 39201
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CERTIFICATE OF SERVICE

I, Angela Givens Williams, hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Angela Givens Williams
ANGELA GIVENS WILLIAMS
Assistant United States Attorney